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PATENT APPLICATION

ATTORNEY DOCKET NO. 10012383-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Thane M. Larson et al.

Confirmation No.:

Application No.: 09/924,163

Examiner: Tim T. Vo

Filing Date: August 7, 2001

Group Art Unit: 2112

Title: DEDICATED SERVER MANAGEMENT CARD WITH HOT SWAP FUNCTIONALITY

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on August 7, 2007.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Typed Name: Jeff A. Holmen

Signature: Jeff A. Holmen

Respectfully submitted,

Thane M. Larson et al.

By Jeff A. Holmen

Jeff A. Holmen

Attorney/Agent for Applicant(s)

Reg No.: 38,492

Date: OCTOBER 4, 2007

Telephone: (612) 673-0178

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Thane M. Larson et al.	Examiner:	Tim T. Vo
Serial No.:	09/924,163	Group Art Unit:	2112
Filed:	August 7, 2001	Docket No.:	10012383-1 / H300.167.101
Due Date:	October 7, 2007		
Title:	DEDICATED SERVER MANAGEMENT CARD WITH HOT SWAP FUNCTIONALITY		

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Reply Brief is presented in response to the Examiner's Answer mailed August 7, 2007, and in support of the Notice of Appeal filed February 7, 2007, and the Appeal Brief filed March 29, 2007, appealing the rejection of claims 1-20 of the above-identified application as set forth in the Final Office Action mailed November 14, 2006.

At any time during the pendency of this application, please charge any fees required or credit any overpayment due to Deposit Account No. 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees required to Deposit Account No. 08-2025 under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1-20.

Reply Brief to Examiner's Answer

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ARGUMENT

The language and arguments set forth in the Grounds of Rejection section (Examiner's Answer at pages 2-6) appear to be identical to the language and arguments set forth in the Final Office Action mailed November 14, 2006. Appellant has addressed these arguments in the Appeal Brief filed on March 29, 2007.

In the Response to Argument section, the Examiner stated the following:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner relies on Thornton's reference the teaching of wherein the management card includes a LAN switch configured to coupled to the plurality of host processor cards and an external management network for combinati on. As Thornton notes at paragraphs 24-29, it is well established in the art to provide a LAN interface switching unit which is configurable to route encoded signals from one or more of a plurality of computer cards to one or more LAN devices(external) to the removable function module. Because both Wong and Thornton teach the configuration of swapping or switching components in the system, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of using the LAN switching for switching or swapping the components within the system. It is clear that Thornton is analogous art and therefore properly combinable for the purpose stated in the rejection of record and Appellant's position is not seen to be persuasive towards patentability. (Examiner's Answer at pages 6-7).

As indicated above, the Examiner is relying on Thornton as teaching "wherein the management card includes a LAN switch configured to coupled to the plurality of host processor cards and an external management network". The Examiner is relying on Thornton for this teaching because the Examiner has previously admitted that Wong does not teach or suggest: "wherein the management card includes a LAN switch configured to be coupled to the plurality of host processor cards and an external management network", as recited in independent claim 1 (see, e.g., Final Office Action at para. no. 2, page 3); "the dedicated management card coupled to the plurality of host processor cards via a LAN switch on the management card" and "communicating with an external management network via the LAN switch.", as recited in independent claim 8 (see, e.g., Final Office Action at para. no. 2, page

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3); and a "management-dedicated server management card" that includes "a multiple-port LAN switch having at least four ports, the LAN switch coupled to the controller and configured to be coupled to a management connection of at least one of the plurality of removable cards," as recited in independent claim 14 (see, e.g., Final Office Action at para. no. 2, page 4).

Since it is admitted that Wong does not teach or suggest the above-quoted limitations of the independent claims, the issue to be decided is whether Thornton teaches or suggests these limitations. As shown above, the Examiner's Response includes broad statements about LAN interfaces and routing encoded signals, but ignores the claim language, which is contrary to established precedent. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The Examiner has not cited anything in Thornton that teaches or suggests the above-quoted limitations of the independent claims.

Thornton discloses a computer system that includes various switch boards. (See, e.g., Thornton at Figure 8, and corresponding description). However, like the Wong reference, Thornton also does not teach or suggest a server management card that includes a LAN switch, as recited in the independent claims. In fact, there is no teaching or suggestion in Thornton regarding a server or a server management card, let alone a server management card that includes a LAN switch.

In view of the above, and the reasons set forth in Appellant's appeal brief, Appellant respectfully submits that the Examiner has not established a *prima facie* case of obviousness of independent claims 1, 8, and 14, and the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn. Since dependent claims 2-7, 9-13, and 15-20 further limit patentably distinct claim 1, 8, or 14, claims 2-7, 9-13, and 15-20 are believed to be allowable over the cited references. Appellant respectfully submits that the Examiner has not established a *prima facie* case of obviousness of dependent claims 2-7, 9-13, and 15-20, and the rejection of these dependent claims under 35 U.S.C. §103(a) should be withdrawn.

In addition, the dependent claims are further distinguishable over the cited references. In the Appeal Brief, Appellant separately addressed dependent claims 2, 5, 11, 15, and 17. The Examiner's Response to Argument does not address these dependent claims. For the reasons set forth in the Appeal Brief, Appellant respectfully submits that the Examiner has

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not established a *prima facie* case of obviousness of dependent claims 2, 5, 11, 15, and 17, and the rejection of these dependent claims under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Reply Brief should be directed to either Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005 or David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Thane M. Larson et al.

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-0178
Facsimile: (612) 573-2005

Date: 10/4/07
JAH:jms

Jeff A. Holmen
Jeff A. Holmen
Reg. No. 38,492

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 4th day of October, 2007.

By: Jeff A. HolmenName: Jeff A. Holmen